

FILED

NOV - 3 2009

By _____
Deputy

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NO. 4:09-CV-262-A

Respondent .

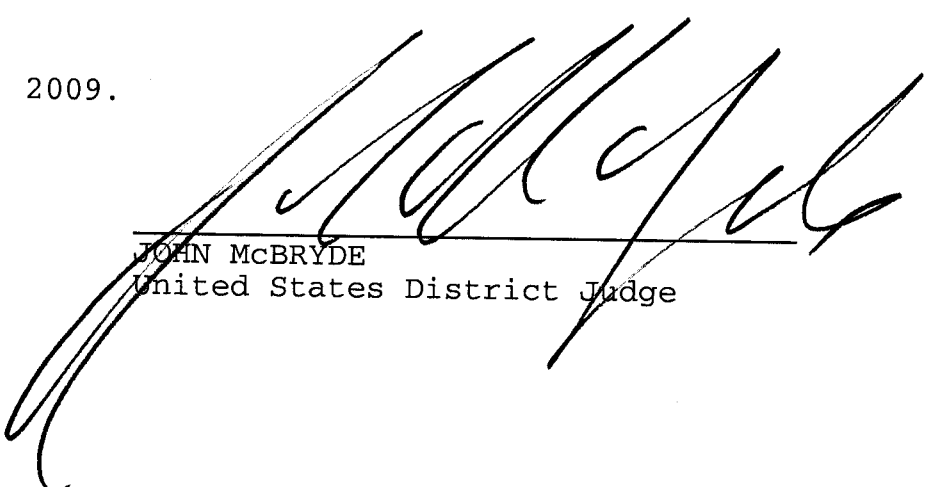
Came on for consideration the above-captioned action wherein Freddie George Davis ("Davis") is applicant¹ and Rick Thaler, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On September 11, 2009, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by October 2, 2009. Copies of the proposed findings, conclusions, and recommendation were sent to applicant and respondent. Because timely objections have not been filed, the court accepts the proposed findings and conclusions and adopts recommendation of

¹The document filed by Davis is titled "Petition for a Writ of Habeas Corpus by a Person in State Custody." Consistent with the wording of 28 U.S.C. § 2254, the court is referring to the document filed as an "application" and is referring to Davis as "applicant."

the United States Magistrate Judge. Therefore,

The court ORDERS that the application be, and is hereby,
denied.

SIGNED November 3, 2009.



JOHN McBRYDE
United States District Judge